

**REMARKS****Election/Restriction:**

Applicants appreciate the Examiner's rejoinder of Groups II and III at Applicants' request. For the record, Applicants wish to clarify that the provisional election of Group II by Applicants in paper No. 10 was made with traverse.

**Status of the Claims:**

The Examiner has withdrawn from further consideration Claims 1-7 and 20-49 as being drawn to a non-elected invention. Applicants herein cancel Claims 1-7 and 20-49 without prejudice to the filing of a divisional application thereon. Claims 8-19 are pending in the application. The Examiner has allowed Claim 19.

**Claim Amendments:**

Claims 8, 13 and 18 are herein amended by addition of the phrase "between steps (a) and (b)" consistent with the Examiner's suggestion to clarify that measurement of the difference is between steps (a) and (b). The foregoing phrase is added at part (c) in Claims 8, 13 and 18 and also at part (d) in Claim 8. Support for the claim amendment is found throughout the specification and claims as originally filed, in particular, at original Claims 8, 13 and 18. Claims 8 and 18 are further amended by addition of a step (d) beginning with the phrase "identifying whether said test compound is a candidate for an antibiotic," to clarify that determination of whether a test compound is suitable as a candidate antibiotic is an active step of Applicants' claimed invention. Support for the claim amendment is found throughout the specification and claims as originally filed, in particular, at the Summary of the Invention at page 5. Claims 8, 13, 18 and 19 are amended to correct for antecedent basis by replacement of the term "a" with "said" prior to the phrase "test compound" appearing at part (b). Antecedent basis for the phrase "test compound" is present in the preamble of each of Claims 8, 13, 18 and 19. Accordingly, no new matter is added by any of the foregoing claim amendments.

**I. Claim Rejections - 35 USC § 112, 2<sup>nd</sup> Paragraph**

Claims 8-17 are rejected under 35 USC § 112, 2<sup>nd</sup> paragraph, as being indefinite. The rejection of Claims 8-17 is obviated by the above claim amendment.

**II. Claim Rejections - 35 USC § 102**

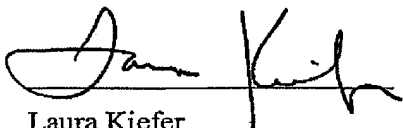
Claims 8 and 18 are rejected under 35 USC § 102(b), as being anticipated by Houston et al. (370 *Biochemica et Biophysica Acta*, 216-226 (1974)). Applicants respectfully assert, for reasons as follows, that the foregoing claim rejection is obviated by the amendment to Claims 8 and 18.

Houston et al. disclose a method of determining if compounds inhibit histidinol phosphatase activity, but fail to teach whether such compounds are candidate antibiotics. As a result of the amendment to Claims 8 and 18, the determination whether a test compound is a candidate antibiotic, is an active step of Applicants' claimed methods. Therefore, the Houston et al. reference fails to anticipate Applicants' amended Claims 8 and 18. Accordingly, the rejection of Claims 8 and 18 is obviated by the above claim amendment.

**III. Concluding Remarks**

Applicants respectfully assert that amended Claims 8-19 are in condition for allowance and that the claimed invention patentably distinguishes over the prior art, including the prior art cited merely of record. Accordingly, reconsideration of the application and passage to allowance are respectfully requested. Applicants respectfully request that the Examiner contact the undersigned Agent to clarify any outstanding issues.

Respectfully submitted,



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